

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

RONALD M. LISAN, M.D.	)	Case No. 1:18-CV-0969
	)	
Plaintiff,	)	JUDGE PATRICIA A. GAUGHAN
	)	
v.	)	
	)	
ROBERT WILKE, Acting Secretary of	)	<u>STIPULATED PROTECTIVE</u>
Veterans Affairs,	)	<u>ORDER</u>
	)	
Defendant.	)	

WHEREAS, Plaintiff has filed a lawsuit which might entitle him to obtain certain Government records which are or may be subject to the protections of various confidentiality statutes, including, but not limited to, the Privacy Act of 1974, 5 U.S.C. § 552a; or otherwise contains highly personal information, the indiscriminate disclosure of which could result in the unnecessary intrusion in the privacy interests of third persons not before the Court, including employees of the Department of Veterans' Affairs ("VA"), but is plausibly relevant to the litigation: it is hereby stipulated by the undersigned attorneys for the respective parties as follows:

The following conditions shall govern those documents and/or records (hereinafter "documents") submitted for inspection and/or copying by the United States to the parties herein:

1. Any information contained in said documents shall be kept confidential and shall be utilized by the parties solely in the furtherance of the litigation in this case.
2. None of the information contained in said documents will be disseminated to any person except the parties, counsel for the parties and their staffs, experts retained

by the parties, or witnesses whose prospective testimony requires that the be shown such material.

3. Persons who have access to documents produced subject to this Stipulation and Order shall follow procedures sufficient to preclude any unauthorized disclosure of information that would constitute an unwarranted invasion of personal privacy while such information is in their custody. Specifically, this includes continuing control and supervision of the documents and of information derived from them to preclude unauthorized or accidental disclosure of personal information. Personal information generated from these documents in different forms must be afforded the same protection as the source documents.
4. Except as provided herein, no persons having access to documents designated as subject to this Order shall make public disclosure of any of the documents or information contained therein without further Order of this Court or authorization of the United States.
5. Counsel for the parties shall provide a copy of this Order to any individual who has access to documents produced subject to this Stipulation and Order, and will obtain written acknowledgement that the terms of this Order are understood by such individual.
6. If any party intends to file any motion, opposition, reply or any other document prior to trial and attached thereto, or sets forth therein, any portion of the information which is subject to this Order, the party may file the materials subject to this Order in a redacted form excluding the information subject to this Order. In the event a party believes that the material cannot be redacted, the party shall deliver

the material to the Court's Chambers in sealed envelopes on which shall be endorsed the words "Subject to Protective Order."

7. Use of Confidential Documents or Information at Trial. All trials are open to the public. Absent order of the Court, there will be no restrictions on the use of any document that may be introduced by any party during the trial. If a party intends to present at trial documents or information produced subject to this protective order, such party shall provide advance notice to the other party at least five (5) days before the commencement of trial by identifying the documents or information at issue as specifically as possible (i.e., by Bates number, page range, deposition transcript lines, etc.) without divulging the actual documents or information stamped "Subject to Protective Order." The Court may thereafter make such orders as are necessary to govern the use of such documents or information at trial.
8. All documents designated as subject to this Stipulation and Order, including all copies or reproductions of such documents in any form, shall be returned to the undersigned Assistant United States Attorney within sixty (60) days from the conclusion of all trial and appellate proceedings in this case.
9. The only information subject to this Stipulated Protective Order is the previously redacted language which will now be supplied to Plaintiff in the Report of Brenda Spicer dated June 18, 2018. Further information in any other document may become subject to this Stipulated Protective Order either by written agreement of both parties or by Order of the Court upon duly filed Motion of the party requesting

the application of this Stipulated Protective Order to further information in any other document.

10. This Order is without prejudice to the rights of any party to make any objection to discovery permitted by the Federal Rules of Civil Procedure, or by any statute or other authority, or to the rights of any party to make evidentiary objections at trial.
11. Any dispute regarding the procedures indicated in this Order will be resolved in accordance with the procedure set forth in Local Rule 37.1
12. No later than thirty (30) days after the final termination of this action by this Court, the attorneys for each party shall contact the Court if they wish to retain the documents stamped "Subject to Protective Order" or that contain "confidential information"; otherwise, any unclaimed documents will thereafter be destroyed.

s/ Steven A. Sindell, Esq.  
Sindell and Sindell, LLP  
23611 Chagrin Blvd., Suite 227  
Beachwood, Ohio 44122  
Tel: (216) 292 3393  
Fax: (216) 292-3577  
info@sindellattorneys.com

Attorney for Plaintiff

s/ Ruchi V. Asher  
Lisa Hammond Johnson (#0061681)  
Ruchi V. Asher (#0082518)  
Assistant United States Attorneys  
United States Court House  
801 W. Superior Avenue, Suite 400  
Cleveland, OH 44113  
Telephone: 216.622.3600  
Facsimile: 216.522.4982  
Lisa.Hammond.Johnson@usdoj.gov  
Ruchi.Asher@usdoj.gov

Attorneys for Defendant

IT IS SO ORDERED.

/s/ Patricia A. Gaughan      4/29/19  
HONORABLE JUDGE PATRICIA A. GAUGHAN  
UNITED STATES DISTRICT COURT JUDGE